

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

LUZERNE

County

For Prothonotary Use Only:

Docket No.:

202303146

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Thomas Wharton

Lead Defendant's Name:

Waste Industries of Pennsylvania, LLC d/b/a GFL Environmer

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits (check one)Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: KEVIN M. CONABOY, ESQUIRE

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☒ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:**REAL PROPERTY**

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

Updated 1/1/2011

Abrahamsen, Conaboy & Abrahamsen, P.C.
Kevin Conaboy, Esquire
Attorney ID: 84384
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570-348-0200
570-348-0273 (fax)
kconaboy@law-aca.com

THOMAS WHARTON
620 Wilson Avenue
Harding, PA 18643

Plaintiff

v.

WASTE INDUSTRIES OF
PENNSYLVANIA, LLC
d/b/a GFL ENVIRONMENTAL
3301 Benson Drive, Suite 601
Raleigh, NC 27609

Defendant

IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY

CIVIL ACTION LAW
JURY TRIAL DEMANDED

No.: 202303146

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed against you by the Court without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

North Penn Legal Services, Inc.
33 N. Main Street, Suite 200
Pittston, PA 18640
570-299-4100
877-953-4250

Lawyer Referral Service
Pennsylvania Bar Assoc.
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

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THOMAS WHARTON
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COMPLAINT

AND NOW comes the Plaintiff, Thomas Wharton, by and through his counsel, Abrahamsen, Conaboy & Abrahamsen, P.C., and hereby complains against the above-referenced Defendant as follows:

1. Plaintiff, Thomas Wharton, is an adult and competent individual who resides at 620 Wilson Avenue, Harding, Luzerne County, Pennsylvania.
2. Defendant, Waste Industries of Pennsylvania, LLC, is a limited liability company authorized to do business in the Commonwealth of Pennsylvania with a principle place of business located at 3301 Benson Drive, Suite 601, Raleigh, North Carolina.
3. At all times relative hereto, Defendant, Waste Industries of Pennsylvania, LLC, was doing business as GFL Environmental.

4. Defendant, Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental, at all times relevant hereto acted through its employees, servants and/or workmen and are vicariously responsible for the actions of the same.

5. On June 3, 2021, Defendant, Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental, was collecting recycling materials and other refuse from the Garden Village Apartments, 221 Fremont Street, West Pittston, Luzerne County Pennsylvania.

6. At all times relevant hereto, Plaintiff, Thomas Wharton, was within the course and scope of his employment with Ecumenical Enterprises, Inc. Plaintiff, Thomas Wharton, was dispatched by his employer, Ecumenical Enterprises, Inc., to the Garden Village Apartments in order to assist Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental in the refuse and recycling collection.

7. On June 3, 2021, as an employee or agent of Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental was operating the refuse/recycling truck hydraulic system in order to lift a can of refuse and/or recycling materials, the agent or employee operated the hydraulic system in such a manner as to cause the can to eject from the hydraulic system with significant force, speed and uncontrollable management, causing it to fly through the air and strike the Plaintiff, Thomas Wharton, in the torso, lifting the Plaintiff off of his feet and throwing him onto the ground backwards.

8. As a result of the aforementioned incident, the Plaintiff, Thomas Wharton, sustained serious bodily injuries which will be detailed below.

9. The aforementioned incident was caused by the negligence and carelessness of the Defendant, Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental, acting through its agents, workmen, employees, and servants and in no way caused or contributed to by the Plaintiff,

Thomas Wharton.

10. The negligence and carelessness of the Defendant, Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental, consisted of the following:

- (a) failing to properly maintain the hydraulic system of the garbage truck involved in the incident described herein;
- (b) failure to warn the Plaintiff and others similarly situated of the dangerous condition posed by the condition of the hydraulic system on the garbage truck in question;
- (c) failure to properly train, instruct or otherwise direct its employees, workmen, servants, and/or agents in the appropriate operation of its equipment;
- (d) permitting the continued use of dangerous and defective equipment when they or knew, or by the exercise of reasonable care, should have known of the dangerous and defective nature of the equipment;
- (e) failing to take equipment which was in disorder and dangerous to operate out of service until such time that the equipment could be repaired or made safe;
- (f) permitting its agents, servants, workmen, and/or employees to perform job duties without proper training, supervision or experience; and,
- (g) allowing and/or permitting a defective and dangerous truck to be used when it knew, or by the exercise of reasonable care, should have known of the danger posed to others, including the Plaintiff.

11. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Thomas Wharton, sustained serious injuries, including but not limited to injury to his chest, ribs, mid-back, and sternum, as well as other various injuries, bruises and contusions about his body, all of which may be permanent in nature.

12. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Thomas Wharton, has suffered and will continue to suffer into the future great physical pain and anguish, a shock to his nervous system, humiliation, embarrassment, a loss of life's pleasures and enjoyments, and may continue to suffer the same for an indefinite time into the future.

13. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Thomas Wharton, has been and will be obliged to undergo medical attention and care and incur various medical expenses, and may be required to incur such medical expenses indefinitely into the future.

14. As a direct and proximate result of the negligence and careless of the Defendant, Plaintiff, Thomas Wharton, has been and will be unable in the future to attend to his usual and daily activities, all to his detriment and loss.

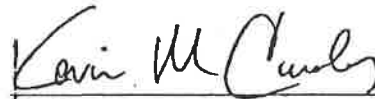
15. As a direct and proximate result of the negligence and careless of the Defendant, Plaintiff, Thomas Wharton, has sustained a loss of earnings and may in the future sustain a loss of earning capacity.

WHEREFORE, the Plaintiff, Thomas Wharton, demands judgment in his favor and against the Defendant, Waste Industries of Pennsylvania, LLC d/b/a GFL Environmental, in an amount in excess of the jurisdictional limit regarding arbitration referral by local rules, plus interest, costs.

Respectfully submitted,

Abrahamsen, Conaboy & Abrahamsen, P.C.

By:



Kevin M. Conaboy, Esquire
Attorney ID No.: 84384

1006 Pittston Avenue
Scranton, PA 18505
(570) 348-0200
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VERIFICATION

I, **THOMAS WHARTON**, do hereby make this Verification and state that the statements made in the Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made therein are subject to the penalties of 18 Pa. CS. Section 4904 relating to unsworn falsification to authorities.

3 6 23
Date


THOMAS WHARTON

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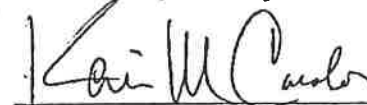
CERTIFICATE OF COMPLIANCE

I, Kevin M. Conaboy, Esquire, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted,

Abrahamsen, Conaboy & Abrahamsen, P.C.

By:



Kevin M. Conaboy, Esquire
Attorney ID No.: 84384

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LUZERNE COUNTY SHERIFF'S DEPARTMENT
CIVIL DIVISION
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FC# 3146-2023

CERTIFIED MAIL



US POSTAGE



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2760987331 0011

